

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:

CASE NO.

EVELYN MARIE WILLIAMSON

04-04319-5-ATS

DEBTOR

ORDER CONTINUING HEARING

The matter before the court is the motion for relief from the automatic stay filed by JPMorgan Chase Bank. A hearing took place in Raleigh, North Carolina on June 1, 2005.

Evelyn Marie Williamson filed a petition for relief under chapter 13 of the Bankruptcy Code on December 2, 2004. JPMorgan holds a security interest in a 1999 Ford F150 truck, and the debtor's plan provides that her monthly payments to JPMorgan are to be made inside the plan. Ms. Williamson has made only one plan payment since filing, and JPMorgan seeks relief from the automatic stay to repossess its collateral. The chapter 13 trustee filed a motion to dismiss due to the delinquency in plan payments, which is scheduled for hearing on June 7, 2005.

Ms. Williamson contends that she can make a payment of \$300 to the chapter 13 trustee next week. In addition, she has surrendered her residence and intends to modify her plan to reflect the surrender of the house. Ms. Williamson believes that the modified plan will enable

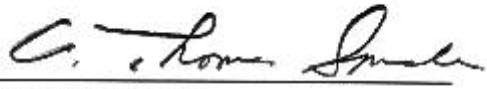
her to remain current on her payments and to have the plan confirmed, which will result in payments to JPMorgan.

The hearing on the motion for relief from the stay will be continued, to be heard at the same time as the trustee's motion to dismiss. Ms. Williamson must make a trustee payment of \$300 by June 7, 2005, and she must propose a modified plan that includes strict default provisions. If the payment is not made or if the plan is not modified, the court will allow JPMorgan's motion.

Based on the foregoing, the hearing is **CONTINUED** to **Tuesday, June 7, 2005 at 9:00 a.m.** at the U.S. Bankruptcy Court, U.S. Courthouse and Post Office Building, 300 Fayetteville Street Mall, Room 208, Raleigh, North Carolina.

SO ORDERED.

DATED: June 2, 2005



A. Thomas Small
United States Bankruptcy Judge